Title: Reported judgement of a Session Court, Mumbai in a rape case.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): I would like to bring to the notice of the Government a very important legal issue.

MR. DEPUTY-SPEAKER: That should be very brief.

SHRI VARKALA RADHAKRISHNAN : Now, the question is that as per the provisions of the Criminal Procedure Code, rape is not a compoundable offence. In a Delhi Sessions Court, in the nurse's case, the accused offered to marry the victim. Well, when the judgement was about to be pronounced, he offered to marry her. Luckily, the victim refused to marry him. So, the Court pronounced the judgement of life imprisonment to the accused. If she would have agreed, what would have happened? The Court is not empowered to look into the matter of compromise or even offer; this is not the concern of the Court. The concern of the Court is the evidence before them. The Court's Judge will have to take a decision on the basis of the evidence adduced before him.

He has no other choice. He need not wait for the pronouncement. Anyhow, the matter is over.

MR. DEPUTY-SPEAKER: Please come to the point.

SHRI VARKALA RADHAKRISHNAN : Yesterday, in Mumbai, in a case, the accused offered to marry the victim but the victim was not agreed to marry. The Mumbai Sessions Court ordered for the marriage under some direction. What is it? The Court is expected to pronounce the judgement. It has to pronounce the judgement on the basis of evidence adduced. Instead of pronouncing the judgement − because the girl agreed to marry him − the Court did not pronounce the judgement. This is a clear case of misuse of criminal law. So, prosecutors must be instructed; the Government should instruct the prosecutors to see that such things do not happen in our country. It is a clear case. Law is very specific that there can be no compromise on rape; there can be no compromise on murder.

MR. DEPUTY-SPEAKER: Thank you, Shri Radhakrishnan Ji.

...(*Interruptions*)

SHRI VARKALA RADHAKRISHNAN : These offences are not compoundable. Here is a case where the Court has not pronounced the judgement at the fag end of the trial for the simple reason that the accused came forward and said: "I like her and want to marry her." ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Thank you. You have made your point.

...(*Interruptions*)

SHRI VARKALA RADHAKRISHNAN : The law has also agreed. ...(*Interruptions*)

SHRI HANNAN MOLLAH : This will encourage rape.

SHRI VARKALA RADHAKRISHNAN : Yes, it will encourage rape. ...(*Interruptions*)

SHRI HANNAN MOLLAH : All the rapists will get encouragement. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Hannan Mollah, I have already given you a time.

...(*Interruptions*)

SHRI P. KARUNAKARAN : I am fully associated with Shri Varkala Radhakrishnan Ji. ...(*Interruptions*)

SHRI VARKALA RADHAKRISHNAN : The Mumbai Sessions Court passed on a judgement like that. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: The House stands adjourned to meet again at 2.15 p.m.

13.17 hrs.

The Lok Sabha then adjourned for Lunch till fifteen minutes

past Fourteen of the Clock.

14.45 hrs.

The Lok Sabha re-assembled at ∗ forty five minutes

past Fourteen of the Clock

(Shri Devendra Prasad Yadav *in the Chair*)

MR. CHAIRMAN : Now, the House will take up Item No. 14.

...(*Interruptions*)

श्री रामजीलाल ्सुमन (फ़िरोज़ा्बाद) : ्सभापति महोद्य, मैंने ्सुबह ्सवाल उठा्या था कि दिल्ली में मैनिनजाइट्िस ्बीमारी ्से 16 लोग मरे है। मंत्री जी का ्बयान आना थाâ€¦ (व्यवधान)

्सभापति महोद्य : ्यह ्बयान ्बाद में आ्येगा।

श्री ्शैलेन्द्र कुमार (चा्यल) : ्सुबह कहा ग्या था कि दोपहर में आ्येगा।â€¦ (व्यवधान)

MR. CHAIRMAN : Please take your seat. ्स्टेट मिन्िस्टर आ चुकी हैं, ्वह ्बयान देंगी।

THE MINISTER OF FINANCE (SHRI P. CHIDAMBARAM): She will make a statement. She is going to make the statement. Kindly listen to the statement.